

**IN THE DRAWINGS:**

Please amend Figure 2.

A Replacement Drawing Sheet for Figure 2 is submitted herewith.

**Remarks**

Claims 1-28 are pending in the application.

The drawings are objected to.

The disclosure is objected to.

Claim 27 is objected to.

Claims 1-11 and 13-28 are rejected under 35 U.S.C. §101, the Examiner stating that the claimed invention is directed to non-statutory subject matter.

Claims 15-16 and 19 are rejected under 35 U.S.C. §112, ¶2, as being indefinite for failing to point out what is included or excluded by the claim language.

Claims 1, 5-9, 11-12 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Brian Scott Messenger (US 2003/0231630, hereinafter Messenger) in view of Hebb et al. (US 6,587,463, hereinafter Hebb) and Kadambi et al. (US 6,707,817, hereinafter Kadambi).

Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi as applied to claim 1 and further in view of Nevin Chaddha (US 6,154,572, hereinafter Chaddha).

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi and further in view of Chaddha as applied to claim 2 and further in view of Toshiya Takahashi (US 6,633,592, hereinafter Takashi).

Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi as applied to claim 1 and further in view of Michael Robert Morford (US 7,324,447, hereinafter Morford).

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi further in view of Chaddha further in view of Takahashi as applied to claim 13 and further in view of Henderson et al. (US 5,726,979, hereinafter Henderson).

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi further in view of Chaddha further in view of Takahashi as applied to claim 13 and further in view of Henderson and Jacobson et al. (US 6,426,959, hereinafter Jacobson).

Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi further in view of Chaddha further in view of Takahashi further in view of Henderson as applied to claim 14 and further in view of Jacobson et al. (US 6,426,959, hereinafter Jacobson).

Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi further in view of Chaddha further in view of Takahashi as applied to claim 13 and further in view of Kobayassi et al. (US 6,333,932, hereinafter Kobayassi).

Claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi as applied to claim 1 and further in view of Caldara et al. (US 5,748,629, hereinafter Caldara) and Takahashi.

Claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi as applied to claim 11 and further in view of Moshe Stark (US 2003/0191740, hereinafter Stark).

Claims 21-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Kadambi, Chaddha, Takahashi and Hebb.

Claims 24-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Kadambi, Chaddha, Takahashi, Hebb and Henderson.

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Messenger in view of Hebb and Kadambi.

The Examiner has failed to provide a rejection of claims 3, 4, and 13. Since claims 3, 4, and 13 each depend indirectly from claim 1, and claim 1 is allowable at least for the reasons provided herein, Applicants respectfully submit that claims 3, 4, and 13 are also allowable.

Each of the various rejections and objections are overcome by amendments that are made to the specification, drawing, and/or claims, as well as, or in the alternative, by various arguments that are presented.

Any amendments to any claim for reasons other than as expressly recited herein as being for the purpose of distinguishing such claim from known prior art are not being made with an intent to change in any way the literal scope of such claims or the range of equivalents for such claims. They are being made simply to present language that is

better in conformance with the form requirements of Title 35 of the United States Code or simply is clearer and easier to understand than the originally presented language. Any amendments to any claim expressly made in order to distinguish such claim from known prior art are being made only with an intent to change the literal scope of such claim in the most minimal way, i.e., simply to avoid the prior art in a way that leaves the claim novel and not obvious in view of the cited prior art, and no equivalent of any subject matter remaining in the claim is intended to be surrendered.

Also, because a dependent claim inherently includes the recitations of the claim or chain of claims from which it depends, it is submitted that the scope and content of any dependent claims that have been herein rewritten in independent form is exactly the same as the scope and content of those claims prior to having been rewritten in independent form. That is, although by convention such rewritten claims are labeled herein as having been "amended," it is submitted that only the format, and not the content, of these claims has been changed. This is true whether a dependent claim has been rewritten to expressly include the limitations of those claims on which it formerly depended or whether an independent claim has been rewritten to include the limitations of claims that previously depended from it. Thus, by such rewriting no equivalent of any subject matter of the original dependent claim is intended to be surrendered. If the Examiner is of a different view, he is respectfully requested to so indicate.

#### **Objection to the Drawings**

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) and 1.83(a).

Applicants have herein amended Figure 2 to change "Table 2" to "Table 3" for Third Table 137C. Additionally, Applicants have herein amended Figure 2 to extend the callout line for 252D from being associated with Table 137E to being associated with Table 137D.

With respect to objection to Figure 3 for failing to show "35-353", the Applicants respectfully submit that this appears to be a typographical error in the specification. In that paragraph of the specification, general reference is made to each of the nibbles depicted at the top of Figure 3, namely, nibbles 350-353. Accordingly, Applicants have

herein amended the specification to change 35-353 to 350-353. Applicants submit that changes to Figure 3 are not required.

A corrected drawing sheet in compliance with 37 CFR 1.121(d) is submitted herewith.

As such, the Examiner is respectfully requested to withdraw the objection.

#### **Objection to the Specification**

The disclosure is objected to for various informalities.

With respect to the objection to key 252, Applicants respectfully submit that the reference to key 252 appears to be proper.

With respect to the other objections, Applicants have herein amended the specification to correct the typographical errors identified by the Examiner.

As such, the Examiner is respectfully requested to withdraw the objection.

#### **Objection to the Claims**

Claim 27 is objected to as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicants have herein amended claim 27 to depend from claim 24.

As such, the Examiner is respectfully requested to withdraw the objection.

#### **Rejection Under 35 U.S.C. §101**

Claims 1-11 and 13-28 are rejected under 35 U.S.C. §101, the Examiner stating that the claimed invention is directed to non-statutory subject matter. The rejection is traversed.

According to MPEP §2106.02, even where the Examiner concludes that a claim is a directed to abstract ideas, laws of nature, and natural phenomena, the claims will still satisfy the requirements of 35 U.S.C. §101 where the claims provide a practical application of such judicial exceptions. The practical application of a judicial exception may be a practical application by physical transformation or a practical application that produces a useful, concrete, and tangible result.

Applicants respectfully submit that claims 1 – 11 and 13 – 28 produce a useful, concrete, and tangible result.

The selection of a policy of one or more policies, where the selected policy is a policy associated with a highest cumulative score as determined by a multi-stage searching process, is a useful result. For an invention to produce a “useful” result, the process must have a result that is specific, substantial, and credible. Here, the result of selecting a policy associated with a highest cumulative score as determined by a multi-stage searching process is specific, substantial, and credible. As such, Applicants’ claim 1 produces a useful result.

The selection of a policy of one or more policies, where the selected policy is a policy associated with a highest cumulative score as determined by a multi-stage searching process, is a concrete result. For an invention to produce a “concrete” result, the process must have a result that can be substantially repeatable or the process must produce the same result again. In re Swartz, 232 F.3d 862, 864, 56 USPQ2d 1703, 1704 (Fed. Cir. 2000). Here, the result of selecting a policy of one or more policies, where the selected policy is a policy associated with a highest cumulative score as determined by a multi-stage searching process, is substantially repeatable. This process is not unpredictable. Rather, each time the process is performed, a policy will be selected. As such, Applicants’ claim 1 produces a concrete result.

The selection of a policy of one or more policies, where the selected policy is a policy associated with a highest cumulative score as determined by a multi-stage searching process, is a tangible result. For an invention to produce a “tangible” result, the process claim must set forth a practical application of a 35 U.S.C. 101 judicial exception to produce a real-world result. Benson, 409 U.S. at 71-72, 175 USPQ at 676-677. Here, the result of selecting a policy is a real-world result. The selection of a policy is not abstract. As such, Applicants’ invention of claim 1 produces a tangible result.

Thus, Applicants’ claim 1 produces a useful, concrete, and tangible result. Furthermore, Applicants’ independent claims 21, 24, and 28 each include a limitation in which a policy is selected or matched. Thus, for at least the same reasons as discussed with respect to claim 1, Applicants’ independent claims 21, 24, and 28 also produce a useful, concrete, and tangible result.

As such, the Examiner is respectfully requested to withdraw the rejection.

**Rejection Under 35 U.S.C. §112**

Claims 15-16 and 19 are rejected under 35 U.S.C. §112, ¶2, as being indefinite for failing to point out what is included or excluded by the claim language. The rejection is traversed.

Applicants have herein amended the claims to correct the antecedent basis problems identified by the Examiner.

As such, the Examiner is respectfully requested to withdraw the rejection.

**Rejection Under 35 U.S.C. §103**

**Claims 1, 5-9, 11-12 and 18**

Claims 1, 5-9, 11-12 and 18 are rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi. The rejection is traversed.

The Office Action failed to establish a *prima facie* case of obviousness, because the combination of Messenger, Hebb and Kadambi fails to teach or suggest all the claim limitations. Namely, the combination of Messenger, Hebb and Kadambi fails to teach or suggest at least the limitation of “selecting the policy of the one or more policies associated with a highest cumulative score, the cumulative score being the sum of the score for each match at each stage of the plurality of stages,” as claimed in Applicants’ claim 1.

In general, Messenger discloses an optical network packet classification architecture. (Messenger, Abstract).

As admitted by the Examiner, however, Messenger fails to teach or suggest at least the limitation of selecting a policy of one or more policies associated with a highest cumulative score where the cumulative score is the sum of the score for each match at each stage of a plurality of stages, as claimed in Applicants’ claim 1.

Rather, Messenger merely discloses a technique which enables differentiation between different data patterns at high speeds. Messenger is devoid of any teaching or suggestion of selecting a policy, much less selection of a policy as claimed in Applicants’ claim 1.

Furthermore, Applicants respectfully note that Messenger does not teach any of the other limitations of Applicants' claim 1 which the Examiner asserts are taught by Messenger.

Furthermore, the combination of Hebb and Kadambi fails to bridge the substantial gap between Messenger and Applicants' claim 1.

In general, Hebb discloses a packet classification engine which responds to packet classification requests to retrieve a rule memory entry from a rule memory, retrieve a criterion memory entry identified by a criterion memory pointer in the rule memory entry, and perform an operation specified by the operator in the rule memory entry on the values in the criterion memory entry and corresponding values included in the classification request. (Hebb, Abstract).

As admitted by the Examiner, however, Hebb fails to teach or suggest at least the limitation of selecting a policy of one or more policies associated with a highest cumulative score where the cumulative score is the sum of the score for each match at each stage of a plurality of stages, as claimed in Applicants' claim 1.

Rather, Hebb merely discloses performing an operation on values in a criterion memory entry and values included in a classification request. Hebb is devoid of any teaching or suggestion of selecting a policy of one or more policies associated with a highest cumulative score where the cumulative score is the sum of the score for each match at each stage of a plurality of stages, as claimed in Applicants' claim 1.

Furthermore, Applicants respectfully note that Hebb does not teach any of the other limitations of Applicants' claim 1 which the Examiner asserts are taught by Hebb. The use of the rule memory and criterion memory, as described in Hebb, is different than the parsing of the multiple stages by repeating the searching step for each of the plurality of stages, as claimed in Applicants' claim 1.

Furthermore, Kadambi fails to bridge the substantial gap between the combination of Messenger and Hebb and Applicants' claim 1.

In general, Kadambi discloses a method for handling IP multicast packets in a network switch. (Kadambi, Abstract).

Kadambi, however, fails to teach or suggest at least the limitation of selecting a policy of one or more policies associated with a highest cumulative score where the



cumulative score is the sum of the score for each match at each stage of a plurality of stages, as claimed in Applicants' claim 1.

Rather, Kadambi merely discloses searching a rules table and applying the action from an entry of the rules table where a match is found. Kadambi is devoid of any teaching or suggestion of selecting a policy of one or more policies associated with a highest cumulative score where the cumulative score is the sum of the score for each match at each stage of a plurality of stages, as claimed in Applicants' claim 1.

In the Office Action, the Examiner cites a specific portion of Kadambi, asserting that the cited portion of Kadambi discloses Applicants' limitation of "selecting the policy of the one or more policies associated with a highest cumulative score, the cumulative score being the sum of the score for each match at each stage of the plurality of stages." Applicants respectfully disagree. The portion of Kadambi relied upon by the Examiner merely describes a 3 bit field of a rules table that is used to identify a Filter Number, which is used to match entries on the rules table. The cited portion of Kadambi is devoid of any teaching or suggestion of any selecting step or any cumulative score, much less selecting a policy of one or more policies associated with a highest cumulative score where the cumulative score is the sum of the score for each match at each stage of a plurality of stages, as claimed in Applicants' claim 1.

Thus, since each of Messenger, Hebb, and Kadambi fails to teach or suggest the limitation of "selecting the policy of the one or more policies associated with a highest cumulative score, the cumulative score being the sum of the score for each match at each stage of the plurality of stages," any combination of Messenger, Hebb, and Kadambi (assuming such combination is even possible) also fails to teach or suggest "selecting the policy of the one or more policies associated with a highest cumulative score, the cumulative score being the sum of the score for each match at each stage of the plurality of stages," as claimed in Applicants' claim 1.

Moreover, Applicants respectfully submit that the Examiner's parsing of the claim limitations is improper. For example, with respect to the limitation of "defining the one or more current pointers equal to one or more new pointers, wherein each of the new pointers is associated with a criterion in the current stage that matches the current string," the Examiner asserts that Messenger discloses "new pointers, wherein each of the new

pointers” and that Hebb discloses “defining the one or more current pointers equal to one or more” and “is associated with a criterion in the current stage that matches the current string.” This parsing of the claim language is improper.

This may be seen from the language of the Examiner’s rejection (Pg. 6), where the Examiner states that Messenger discloses “(b) the searching step further comprising the steps of: (ii) new pointers....” Applicants respectfully note that “new pointers” is not a step. Similarly, the Examiner states that Messenger discloses “(b) the searching step further comprising the steps of: (ii) new pointers..., wherein each of the new pointers...” Applicants respectfully submit that to take the phrase “wherein each of the new pointers” by itself, without the remainder of the limitation which actually states a limitation associated with each of the new pointers, is improper.

This also may be seen from the language of the Examiner’s rejection (Pg. 7), where the Examiner states that Hebb discloses “(ii) defining the one or more current pointers equal to one or more.” Applicants’ limitation doesn’t merely state “defining the one or more current pointers equal to one or more.” Rather, Applicants’ limitation states “defining the one or more current pointers equal to one or more new pointers.”

Thus, for at least these reasons, the Examiner’s parsing of the claim language is improper.

As such, independent claim 1 is patentable under 35 U.S.C. 103(a) over the combination of Messenger, Hebb and Kadambi. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also patentable under 35 U.S.C. 103(a) over the combination of Messenger, Hebb, and Kadambi.

The Examiner is respectfully requested to withdraw the rejection.

#### **Claims 2, 3, 4, 10, 13, 14-17 and 19**

Claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi as applied to claim 1 and further in view of Chaddha.

Claim 3 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi and further in view of Chaddha as applied to claim 2 and further in view of Takahashi.

Claim 10 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi as applied to claim 1 and further in view of Morford.

Claim 14 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi further in view of Chaddha further in view of Takahashi as applied to claim 13 and further in view of Henderson.

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi further in view of Chaddha further in view of Takahashi as applied to claim 13 and further in view of Henderson and Jacobson.

Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi further in view of Chaddha further in view of Takahashi further in view of Henderson as applied to claim 14 and further in view of Jacobson.

Claim 17 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi further in view of Chaddha further in view of Takahashi as applied to claim 13 and further in view of Kobayashi.

Claim 19 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi as applied to claim 1 and further in view of Caldara and Takahashi.

Claim 20 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi as applied to claim 11 and further in view of Stark. The rejections are traversed.

Each of these grounds of rejection applies only to dependent claims, and each is predicated on the validity of the rejection under 35 U.S.C. §103 given Messenger, Hebb and Kadambi. Because the rejection under 35 U.S.C. §103 given Messenger, Hebb and Kadambi has been overcome, as described hereinabove, and there is no argument put forth by the Office Action that the additional references supply that which is missing

from Messenger, Hebb and Kadambi to render the independent claims obvious, these grounds of rejection cannot be maintained.

Furthermore, Applicants respectfully note that the Examiner has failed to provide any basis for the rejection of claims 4 or 13.

The Examiner is respectfully requested to withdraw the rejections.

### **Claims 21-23**

Claims 21-23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Kadambi, Chaddha, Takahashi, and Hebb. The rejection is traversed.

The Office Action failed to establish a *prima facie* case of obviousness, because the combination of Messenger, Kadambi, Chaddha, Takahashi and Hebb fails to teach or suggest all the claim limitations.

Independent claim 21 recites relevant limitations similar to those recited in independent claim 1. As such, for at least the same reasons discussed above with respect to claim 1, independent claim 21 is patentable under 35 U.S.C. 103(a) over the combination of Messenger, Kadambi and Hebb.

Furthermore, Chaddha and Takahashi, alone or in combination, fail to bridge the substantial gap between Messenger, Kadambi and Hebb and Applicants' invention of independent claim 21.

Chaddha discloses a table-based image compression system. Chaddha is devoid of any teaching or suggestion of "selecting the policy of the one or more policies associated with a highest cumulative score, the cumulative score being the sum of the scores for each match at each of the plurality of hierarchical tables," as claimed in Applicants' claim 21.

Takahashi discloses a method of multiplexing data for multiplexing and transmission of data, such as digital pictures, audio, digital data, and the like. Takahashi is devoid of any teaching or suggestion of "selecting the policy of the one or more policies associated with a highest cumulative score, the cumulative score being the sum of the scores for each match at each of the plurality of hierarchical tables," as claimed in Applicants' claim 21.

Thus, since each of Messenger, Kadambi, Hebb, Chaddha, and Takahashi fails to teach or suggest the limitation of “selecting the policy of the one or more policies associated with a highest cumulative score, the cumulative score being the sum of the scores for each match at each of the plurality of hierarchical tables,” any combination of Messenger, Kadambi, Hebb, Chaddha, and Takahashi (assuming such combination is even possible) also fails to teach or suggest “selecting the policy of the one or more policies associated with a highest cumulative score, the cumulative score being the sum of the scores for each match at each of the plurality of hierarchical tables,” as claimed in Applicants’ claim 21.

As such, independent claim 21 is patentable under 35 U.S.C. §103(a) over the combination of Messenger, Kadambi, Hebb, Chaddha, and Takahashi. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also patentable under 35 U.S.C. §103(a) over the combination of Messenger, Kadambi, Hebb, Chaddha, and Takahashi.

The Examiner is respectfully requested to withdraw the rejection.

#### **Claims 24-27**

Claims 24-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Kadambi, Chaddha, Takahashi, Hebb and Henderson. The rejection is traversed.

The Office Action failed to establish a *prima facie* case of obviousness, because the combination of Messenger, Kadambi, Chaddha, Takahashi, Hebb and Henderson fails to teach or suggest all the claim limitations.

Independent claim 24 includes a limitation of “repeating the searching step for each child table of the plurality of tables until a policy is matched.”

As described hereinabove with respect to independent claim 21, Messenger, Kadambi, Chaddha, Takahashi, and Hebb, alone or in combination, fail to teach or suggest selecting or matching a policy using a plurality of stages or tables. Thus, Messenger, Kadambi, Chaddha, Takahashi, and Hebb, alone or in combination, fail to

teach or suggest “repeating the searching step for each child table of the plurality of tables until a policy is matched,” as claimed in Applicants’ claim 24.

Furthermore, Henderson fails to bridge the substantial gap between Messenger, Kadambi, Chaddha, Takahashi, and Hebb and Applicants’ invention of independent claim 24.

Henderson discloses a network management system that facilitates network design by determining network performance metrics. Henderson is devoid of any teaching or suggestion of “repeating the searching step for each child table of the plurality of tables until a policy is matched,” as claimed in Applicants’ claim 24.

Thus, since each of Messenger, Kadambi, Chaddha, Takahashi, Hebb, and Henderson fails to teach or suggest the limitation of “repeating the searching step for each child table of the plurality of tables until a policy is matched,” any combination of Messenger, Kadambi, Chaddha, Takahashi, Hebb, and Henderson (assuming such combination is even possible) also fails to teach or suggest “repeating the searching step for each child table of the plurality of tables until a policy is matched,” as claimed in Applicants’ claim 24.

As such, independent claim 24 is patentable under 35 U.S.C. 103(a) over the combination of Messenger, Kadambi, Chaddha, Takahashi, Hebb, and Henderson. Furthermore, since all of the dependent claims that depend from the independent claims include all the limitations of the respective independent claim from which they ultimately depend, each such dependent claim is also patentable under 35 U.S.C. §103(a) over the combination of Messenger, Kadambi, Chaddha, Takahashi, Hebb, and Henderson.

The Examiner is respectfully requested to withdraw the rejection.

#### **Claim 28**

Claim 28 is rejected under 35 U.S.C. §103(a) as being unpatentable over Messenger in view of Hebb and Kadambi. The rejection is traversed.

The Office Action failed to establish a *prima facie* case of obviousness, because the combination of Messenger, Hebb, and Kadambi fails to teach or suggest all the claim limitations.

Independent claim 28 recites relevant limitations similar to those recited in independent claim 1. As such, for at least the same reasons discussed above with respect to claim 1, independent claim 28 is patentable under 35 U.S.C. §103(a) over the combination of Messenger, Hebb, and Kadambi.

As such, independent claim 28 is patentable under 35 U.S.C. §103(a) over the combination of Messenger, Hebb and Kadambi.

The Examiner is respectfully requested to withdraw the rejection.

Conclusion

It is respectfully submitted that the Office Action's rejections have been overcome and that this application is now in condition for allowance. Reconsideration and allowance are, therefore, respectfully solicited.

If, however, the Examiner still believes that there are unresolved issues, the Examiner is invited to call Michael Bentley or Eamon Wall at (732) 530-9404 so that arrangements may be made to discuss and resolve any such issues.

Respectfully submitted,

Dated: 7/9/08



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